

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:02-Cr-125

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	ORDER
)	ADMINISTRATIVELY
v.)	CLOSING CASE
)	WHILE RETAINING
JOSE ABEL HARO,)	JURISDICTION
)	
Defendant)	

This matter is before the Court *sua sponte* to administratively close the case as to Defendant Jose Abel Haro. After an evidentiary hearing on November 18, 2010, the Court concluded that there was insufficient evidence by preponderance of the evidence to conclude that Defendant Haro had knowingly and voluntarily absented himself from his sentencing. Therefore the Court could not proceed to sentence the Defendant *in absentia*, as authorized under Fed. R. Crim. Proc. 43(c).

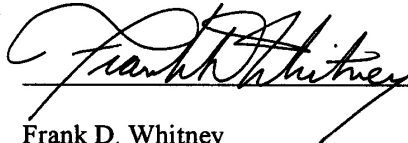
Because the Court was not legally authorized to sentence the Defendant at that time, the Court continued the Defendant's sentencing indefinitely until the Defendant was located or the United States could produce sufficient evidence that the Defendant knowingly and voluntarily had absented himself.

In the meantime, it is ORDERED that this case be deemed closed for ADMINISTRATIVE PURPOSES ONLY, subject to re-opening upon the apprehension or appearance of the defendant.

Although this case will be ADMINISTRATIVELY CLOSED, neither this case nor the Bill of Indictment are dismissed, and the Court retains full jurisdiction over this case

IT IS SO ORDERED.

Signed: December 2, 2010


Frank D. Whitney
United States District Judge

